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DATE MAILED: 06/26/2002

APPLICATION NO.	- FILING DATE	FIRST NAMED INVENTOR	ATTORNEY DOCKET NO.	CONFIRMATION NO.	
09/636,053	08/10/2000	Goro Fujita	SONY-T0964	4237	
:	7590 06/26/2002				
Charles P Sammut Esq Limbach & Limbach LLP 2001 Ferry Building			EXAMINER		
			HINDI, NABIL Z		
San Francisco,	CA 94111-4262		ART UNIT	PAPER NUMBER	
			2653		

Please find below and/or attached an Office communication concerning this application or proceeding.

3-4-03 4:00 pm 415-433-415 Service is disconnected No funcionale above Name listed evoludirectory Christance in Lan Francisco Services area.

## Office Action Summary

Application No. 09/636,053

Nabil Hindi

Applicant(s)

Examiner

Art Unit 2653

Fujita



-- The MAILING DATE of this communication appears on the cover sheet with the correspondence address --**Period for Reply** A SHORTENED STATUTORY PERIOD FOR REPLY IS SET TO EXPIRE \_\_\_\_\_ MONTH(S) FROM

- Extens mailing - If the p - If NO p - Failure - Any re	g date of this communication.  Deriod for reply specified above is less than thirty (30)  Deriod for reply is specified above, the maximum statu  to reply within the set or extended period for reply w	37 CFR 1.136 (a).  days, a reply within tory period will apphill, by statute, cause	In no event, however, may a reply be timely filed after SIX (6) MONTHS from the the statutory minimum of thirty (30) days will be considered timely.  y and will expire SIX (6) MONTHS from the mailing date of this communication.  the application to become ABANDONED (35 U.S.C. § 133).  f this communication, even if timely filed, may reduce any		
Status					
1) 💢	Responsive to communication(s) file	d on <u>Aug. 10</u>	, 2000		
2a) 🗌	This action is <b>FINAL</b> .	2b) 💢 This a	ction is non-final.		
3) 🗆 Dianasi	closed in accordance with the pract		e except for formal matters, prosecution as to the merits is parte Quayle, 1935 C.D. 11; 453 O.G. 213.		
· _	tion of Claims				
4) 💢	Claim(s) <u>1-13</u>		is/are pending in the application.		
4	la) Of the above, claim(s)		is/are withdrawn from consideration.		
5) 🗆	Claim(s)		is/are allowed.		
6) 💢	Claim(s) 1, 2, 5-7, 10, 11, and 13		is/are rejected.		
7) 💢	Claim(s) 3, 4, 8, 9, and 12		is/are objected to.		
8) 🗆	Claims		are subject to restriction and/or election requirement.		
Applica	tion Papers				
9) 🗆	The specification is objected to by t	he Examiner.			
10)	10) ☐ The drawing(s) filed on is/are a) ☐ accepted or b) ☐ objected to by the Examiner.				
Applicant may not request that any objection to the drawing(s) be held in abeyance. See 37 CFR 1.85(a).					
11)	11) ☐ The proposed drawing correction filed on is: a) ☐ approved b) ☐ disapproved by the Examiner				
	If approved, corrected drawings are i	equired in reply	y to this Office action.		
12)	The oath or declaration is objected	to by the Exar	niner.		
Priority	under 35 U.S.C. §§ 119 and 120				
_	_	_	priority under 35 U.S.C. § 119(a)-(d) or (f).		
a) All b) Some* c) None of:					
	1. Certified copies of the priority documents have been received.				
2. Certified copies of the priority documents have been received in Application No					
3. Copies of the certified copies of the priority documents have been received in this National Stage application from the International Bureau (PCT Rule 17.2(a)).					
*See the attached detailed Office action for a list of the certified copies not received.  14) Acknowledgement is made of a claim for domestic priority under 35 U.S.C. § 119(e).					
a) The translation of the foreign language provisional application has been received.					
15)□ Acknowledgement is made of a claim for domestic priority under 35 U.S.C. §§ 120 and/or 121.					
Attachm					
1) 🔀 No	tice of References Cited (PTO-892)		4) Interview Summary (PTO-413) Paper No(s).		
_			5) Notice of Informal Patent Application (PTO-152)		
3) Information Disclosure Statement(s) (PTO-1449) Paper No(s)					

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In response to applicant's pre-amendment dated Aug. 10, 2000. The following action is taken:

The following is a quotation of 35 U.S.C. 103(a) which forms the basis for all obviousness rejections set forth in this Office action:

(a) A patent may not be obtained though the invention is not identically disclosed or described as set forth in section 102 of this title, if the differences between the subject matter sought to be patented and the prior art are such that the subject matter as a whole would have been obvious at the time the invention was made to a person having ordinary skill in the art to which said subject matter pertains. Patentability shall not be negatived by the manner in which the invention was made.

Claims 1, 2, 5-7, 10, 11 and 13 are rejected under 35 U.S.C. 103(a) as being unpatentable over Fuji (5617400).

The rejected claims merely read on a magneto optical disk wherein the readout signal is optimized by detecting the read out amplitude and comparing it to a reference signal in order to control the aperture. Such system is well established in the art as acknowledged by applicant on page 4 referring to the JP 8-63817. The US corresponding reference shows the use of controlling the aperture in a magneto optical disk, the readout signal is sampled and a read out resolution is determined for the marks length, determine the level of the readout signal, comparing the readout signal to a reference value and controlling the window (aperture) based on the comparing result as shown in fig 1 elements 4, 5, 7 and 8. In addition, the use of an average value is merely an alternative mathematical operation as opposed to a ratio, dividing..etc in order to obtain the desired result and obvious to one skilled in the art.

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Claims 3, 4, 8, 9 and 12 objected to as being dependent upon a rejected base claim, but would be allowable if rewritten in independent form including all of the limitations of the base claim and any intervening claims.

The prior art made of record and not relied upon is considered pertinent to applicant's disclosure. 6278667.

Any inquiry concerning this communication should be directed to NABIL.HINDI at telephone number 308.1555

PRIMARY EXAMINER GROUP 2500